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## U.S. Department of State

### Ukraine Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

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#### UKRAINE

Under the new Ukrainian Constitution adopted in 1996 the President, elected for a 5-year term, and a one-chamber Parliament (the Rada), elected for a 4-year term, share responsibility for governance. (Transitional provisions continue the current President's and Parliament's terms until October 1999, and March 1998, respectively.) President Leonid Kuchma was elected in 1994. The President appoints the Cabinet and controls government operations. Under the new Constitution the judiciary is funded as an independent branch, instead of through the Ministry of Justice. However, the court system remains subject to political interference.

The Security Service of Ukraine (SBU), the Ministry of Internal Affairs, and the Ministry of Defense all have equal status and report to the President through the Cabinet. The heads of the Ministry of Internal Affairs and the Ministry of Defense sit in the Cabinet of Ministers. In April the President established by decree the National Bureau of Investigation (NBI). However, the NBI had not been fully organized by year's end; the Parliament refused to provide any funding for the NBI, pending the adoption of a law formally establishing it. The chairmen of the SBU and the newly created NBI are also members of the Cabinet, but they are not cabinet ministers. The armed forces have largely remained outside politics. Although the SBU has not interfered in the political process, it can affect it through criminal investigations against politicians and influential businessmen. Reportedly, the Government has used government agencies, especially the Tax Inspectorate, to disrupt or eliminate the businesses of competitors and political opponents. Despite the Government's adoption of a sweeping anti-corruption program, the SBU, police, and Prosecutor's Office have drawn domestic and international criticism for their failure to take adequate action to curb institutional corruption and abuse in the Government. Many

high profile corruption cases, which were opened earlier, have been dropped, ostensibly because of lack of incriminating evidence. Members of the security forces committed human rights abuses.

Ukraine is making a difficult transition from central planning to a market-based economy. According to official statistics, about half of the work force is formally employed in manufacturing, with the balance divided between services and agriculture, although in reality many industrial enterprises have reduced or stopped production. Exports are diversified and include metals, chemicals, sugar, and semi-finished goods. Annual per capita gross domestic product for 1997 was approximately \$1,000. In 1996 Ukraine achieved a measure of macroeconomic stability for the first time since independence. Inflation, which at times had accelerated to hyperinflation, was 10 percent for 1997. The private sector has grown significantly and now represents a substantial portion of the economy, although growth in the unofficial shadow economy is not fully reflected in official government statistics. Nevertheless, the country remains in a serious economic crisis. Industrial output continues to decline, and shrinking revenue has left millions of employees unpaid for many months. The pace of reform was erratic during the year, particularly in the agricultural sector. Despite some progress on privatization and deregulation, investment remains at low levels, with many potential investors discouraged by onerous and arbitrary taxation and licensing practices.

Overall, Ukraine continued the process of building a law-based civil society. Reports of human rights violations remained at the same low level as in 1996. Problems continue in the unreformed legal and prison systems, and the army. Police and prison officials regularly beat detainees and prisoners; beating of conscripts is common in the army. The Government rarely punishes officials who commit such abuses. Prison conditions remain poor, and lengthy pretrial detention under poor conditions is a common problem. The judiciary is overburdened and lacks sufficient funding and staff. Long delays in trials are a problem. While progress has been made toward ensuring the independence of the judiciary, political interference continues to affect the judicial process. There are occasional government attempts to control the press and limit freedom of speech, and significant limits on freedom of association and on nonnative religious organizations. Laws governing political party organizations have the potential to limit human rights. Significant societal anti-Semitism, violence against women and children, as well as discrimination against women, and both ethnic and religious minorities, persist.

The efficacy of the 1996 Constitution and the safeguards that it provides for human rights depends on enabling legislation, most of which has not yet been passed. The power of the Constitutional Court remains untested. The Constitution's provision for a human rights ombudsman appointed by Parliament to assist citizens in defending their rights was first adopted on November 13. On December 5 the President vetoed the law, giving his requirements that the Ombudsman should not be a member of any political party and that he should be a professional lawyer. However, subsequently the Parliament incorporated most of the presidential proposals into the new version and adopted the law on December 23. (The President signed the bill into law on January 10, 1998.)

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

There were no known political killings by government agents. In some instances the line between politically motivated killing and criminal activities was difficult to distinguish. The Government's inability to stem economic decline and check the growth of violent, organized criminal activity had major repercussions. Politicians and politically-connected businessmen continued to be the victims--

whether through killing or kidnaping--of organized criminal groups, aided in a few cases, either actively or passively, by corrupt officials.

During the year a member of the town council in Yevpatoriya, the regional property board director, and a governor in Razoolnensky district were killed. Police discovered th